

Sommerfeld et al.

S/N: 10/605,570

REMARKS

Claims 1-27 are pending in the present application. In the Office Action mailed December 2, 2004, the Examiner rejected claims 18-23 under 35 U.S.C. §103(a) as being unpatentable over the disclosed prior art in the instant specification. Applicant appreciates the indication of allowability of the subject matter of claims 24-27 and the allowance.

The Examiner rejected claims 18-23 under 35 U.S.C. §103(a). The Examiner states that “[i]t is common knowledge that if the torch is misused or malfunctioning then the components would overheat to the point of glowing” and further that “[t]his interpretation reads on claim 18 which only states that the shielding cup provides an indication of temperature, which would be indicated as very hot, if in the glowing mode.” Notwithstanding the Examiner’s failure to provide a reference teaching or disclosing a plasma torch operable under such a ‘glowing mode’, and whether such a “glowing mode” even exists, Applicant has amended claims 18 and 23 to clarify that which is called for therein, respectively.

As amended, claim 18, calls for, in part, a shielding cup constructed to provide a temperature indication indicative of a consumable condition to prevent overheating. Claim 23 has been amended to call for, in part, that the shielding cup is formed to indicate a predetermined temperature after which further operation would result in overheating. By the Examiner’s own example, a torch operated in such a ‘glowing mode’ is either being misused or malfunctioning to such an extent that the components are overheated and would thereby glow. As stated in paragraph [0023] of the present Specification, “the indicated temperature, is the temperature at which further operation of consumable set 47 would result in overheating of consumable set 47.” The ‘glowing mode’ temperature indication of the Examiner’s example can only reasonably be interpreted as an already overheated condition. Claims 18 and 23 are directed to preventing such an overheating condition. That is, a person of ordinary skill in the art would readily recognize that a conventional plasma torch operated to the point of glowing (if that were possible) is already overheated. Accordingly, Applicant believes that which is called for in claims 18 and 23, and those claims that depend therefrom, are patentably distinct over conventional plasma cutting systems.

Applicant has added new claim 28 which incorporates the subject matter of allowable claim 24 and original claim 23. Enclosed is a Credit Card Authorization in the amount of \$250.00.

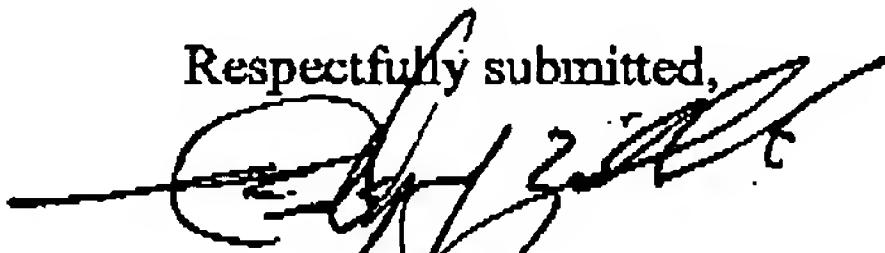
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Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-28.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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